



**PATENT**  
Attorney Docket No. **UM-06855**  
Serial No. **10/018,392**

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: *Kurachi et al.*  
Serial No.: 10/018,392  
Filed: 08/21/2002  
Entitled: Nucleotide Sequences for Gene Regulation and Methods of Use Thereof

Group No.: 1633  
Examiner: Q. Nguyen

**TERMINAL DISCLAIMER UNDER  
37 C.F.R. § 1.321(c)  
TO OBVIATE OBVIOUSNESS-TYPE DOUBLE PATENTING  
REJECTION OVER U.S. PATENT APPLICATION NO. 11/129,861**

**Mail Stop - RCE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)**

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: October 31, 2007

By: \_\_\_\_\_

*Cliff Cannon-Cin*  
Cliff Cannon-Cin

Dear Sir or Madam:

I, the undersigned, Maha Hamdan, am an attorney of record for this invention, and am empowered to act on behalf of the Assignees.

The Assignee, THE REGENTS OF THE UNIVERSITY OF MICHIGAN, 3003 South State Street, Ann Arbor, Michigan 48109 is owner of one-hundred percent (100%) interest in the instant application. A copy of the assignments from the inventors which were filed in the instant application was mailed to the Patent and Trademark Office on August 16, 2002 in the instant application (Tab 1).

The Assignee, THE REGENTS OF THE UNIVERSITY OF MICHIGAN, 3003 South State Street, Ann Arbor, Michigan 48109, is also owner of one-hundred percent (100%) interest in United States Patent Application No. **11,129,861** (our File No. UM-09377). The assignment

from the inventors was recorded in the Patent and Trademark Office at Reel 017088, Frame 0062 (Tab 2).

Applicants hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173 of a patent to be granted in United States Patent Application No. **11,129,861** (our File No. UM-09377) and hereby agree that any patent so granted on the above-identified instant application or any patent subject to the reexamination proceeding shall be enforceable only for and during such period that said patent is commonly owned with United States Patent Application No. **11,129,861** (our File No. UM-09377) this agreement to run with any patent granted on the above-identified instant application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Applicants do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173, as presently shortened by any terminal disclaimer, in the event that a United States Patent granted in United States Patent Application No. **11,129,861** (our File No. UM-09377) should expire for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term.

Enclosed herewith is the fee set forth in 37 C.F.R. § 1.20(d) in accordance with 37 C.F.R. § 1.321(c).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

**PATENT**

Attorney Docket No. UM-06855

Serial No. 10/018,392

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: October 31, 2007

Mahattamdan

Maha Hamdan

Registration No. 43,655

MEDLEN & CARROLL, LLP

101 Howard Street, Suite 350

San Francisco, California 94105

415.904.6500

## ASSIGNMENT

WHEREAS, WE, Kotoku Kurachi and Sumiko Kurachi, hereinafter referred to as "ASSIGNOR", have invented certain new and useful improvements as described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: **NUCLEOTIDE SEQUENCES FOR GENE  
REGULATION AND METHODS OF  
USE THEREOF**

Filing Date: 12/6/01

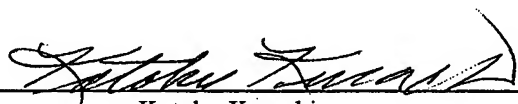
Serial No.: 10/018,392

WHEREAS, THE REGENTS OF THE UNIVERSITY OF MICHIGAN, a corporation, 3003 South State Street, An Arbor, Michigan 48109, hereinafter referred to as "ASSIGNEE", is desirous of acquiring the entire right, title and interest in said invention and application and in any Letters Patent which may be granted on the same;

NOW THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for and in consideration of the sum of One Dollar (\$1.00) lawful money paid to ASSIGNOR by ASSIGNEE and other good and valuable consideration, receipt of which is hereby acknowledged, ASSIGNOR has sold, assigned and transferred, and by these presents does sell, assign and transfer unto said ASSIGNEE, and ASSIGNEE's successors and assigns, all right, title and interest in and to said invention, said application for United States Letters Patent, and any Letters Patent which may hereafter be granted on the same in the United States and all countries throughout the world including any divisions, renewals, continuations in whole or in part, substitutions, conversions, reissues, prolongations or extensions thereof, said interest to be held and enjoyed by said ASSIGNEE as fully and exclusively as it would have been held and enjoyed by said ASSIGNOR had this assignment and transfer not been made, to the full end and term of any Letters Patent.

ASSIGNOR further agrees that ASSIGNOR will, without charge to said ASSIGNEE, but at ASSIGNEE's expense, cooperate with ASSIGNEE in the prosecution of said application and/or applications; execute, verify, acknowledge and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof; and will perform such other acts as ASSIGNEE lawfully may request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, and to vest title thereto in said ASSIGNEE, or ASSIGNEE's successors and assigns.

IN TESTIMONY WHEREOF, ASSIGNOR has hereunto signed ASSIGNOR's names to this assignment on the date indicated below.

  
Kotoku Kurachi

  
Sumiko Kurachi

STATE OF Michigan )  
COUNTY OF Washtenaw )

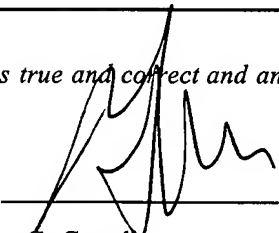
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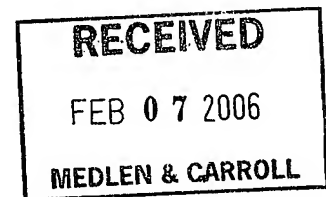
On this 12 day of April, in the year of 2002, before me, the undersigned notary public, personally appeared the above-named ASSIGNOR, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same.

LINDA M. PEASLEY  
Notary Public, Livingston County, MI  
My Commission Expires Dec. 16, 2003

  
NOTARY PUBLIC

SEAL

|   |  |  |
|---|--|--|
| Form PTO-1595   | <b>RECORDATION FORM COVER SHEET</b><br><br><b>PATENTS ONLY</b> | U.S. Department of Commerce<br>Patent and Trademark Office   |
| To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.   |  |  |
| <b>1. Name of conveying party(ies):</b><br><br>Kotoku Kurachi<br>Sumiko Kurachi<br><br>Additional name(s) of conveying party(ies) attached? <b>No</b>   |  | <b>2. Name and address of receiving party(ies):</b><br><br>THE REGENTS OF THE UNIVERSITY OF MICHIGAN<br>3003 South State Street<br>An Arbor, Michigan 48109<br><br>Additional name(s) & address(es) attached? <b>No</b>  |
| <b>3. Nature of conveyance:</b><br>Assignment<br><br>Execution Date: <b>4/12/02</b>   |  |  |
| <b>4. Title of Invention:      NUCLEOTIDE SEQUENCES FOR GENE REGULATION<br/>AND METHODS OF USE THEREOF</b><br>Application number(s) or patent number(s):<br><br>A.      Patent Application No.(s):<br><br><b>10/018,392</b><br><br>B.      Patent No.(s):<br><br><br>Additional numbers attached? <b>No</b>   |  |  |
| <b>5. Name and address of party to whom correspondence concerning document should be mailed:</b><br><br>Peter G. Carroll<br>MEDLEN & CARROLL, LLP<br>101 Howard Street, Suite 350<br>San Francisco, California 94105  |  | <b>6. Total number of applications and patents involved: 1</b><br><br><b>7. Total fee(s):</b><br><br>Check(s) in the amount of <b>\$825</b> enclosed (\$65 surcharge for filing Missing requirements, \$40 recodation fee, \$720 extension of time fee).<br><br><b>8. Deposit Account Authorization:</b><br><br>The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. <b>08-1290</b> . An originally executed duplicate of this transmittal is enclosed for this purpose. |
| <b>DO NOT USE THIS SPACE</b>  |  |  |
| <b>9. Statement and Signature:</b><br><i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i><br><br>Date: <u>August 16, 2002</u><br><br><div style="display: flex; justify-content: space-between;"><div>Signature: </div><div>Name: <u>Peter G. Carroll</u></div></div> <div style="display: flex; justify-content: space-between;"><div>Reg. No.: <u>32,837</u></div><div>Total number of pages including cover sheet, attachments, and document: <b>3</b></div></div> |  |  |



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

JANUARY 30, 2006

PTAS



\*103102631A\*

PETER G. CARROLL  
MEDLEN & CARROLL, LLP  
101 HOWARD STREET, SUITE 350  
SAN FRANCISCO, CA 94105

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 10/13/2005

REEL/FRAME: 017088/0062  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).  
DOCKET NUMBER: UM-09377

ASSIGNOR:  
KURACHI, KOTOKU

DOC DATE: 09/21/2005

ASSIGNOR:  
KURACHI, SUMIKO

DOC DATE: 09/21/2005

ASSIGNEE:  
REGENTS OF THE UNIVERSITY OF  
MICHIGAN, THE  
3003 SOUTH STATE STREET  
ANN ARBOR, MICHIGAN 48109-1280

SERIAL NUMBER: 11129861

FILING DATE: 05/16/2005

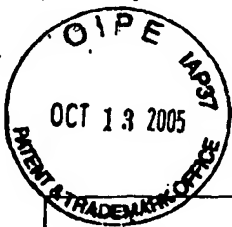
PATENT NUMBER:

ISSUE DATE:

TITLE: NUCLEOTIDE SEQUENCES FOR GENE REGULATION AND METHODS OF USE THEREOF

017088/0062 PAGE 2

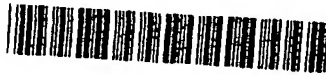
JEFFREY OLSEN, EXAMINER  
ASSIGNMENT SERVICES BRANCH  
PUBLIC RECORDS DIVISION



90-13-05

PATENT  
Attorney Docket No.: UM-09377

10-19-2005



HEET

U.S. Department of Commerce  
Patent and Trademark Office

Form PTO-1595

103102631

To the Honorable Commissioner of Patents and Trademarks: Please ~~return~~ the attached original documents or copy thereof.

1. Name of conveying party(ies):

Kotoku Kurachi  
Sumiko Kurachi

2. Name and address of receiving party(ies):

The Regents of The University of Michigan  
3003 South State Street  
Ann Arbor, Michigan 48109-1280Additional name(s) of conveying party(ies) attached?  
No

Additional name(s) &amp; address(es) attached? No

3. Nature of conveyance:

Assignment

Execution Date: 09/21/05, 09/21/05

4. Title of Invention: Nucleotide Sequences For Gene Regulation And Methods Of Use Thereof

A. Patent Application No.(s):

11/129,861

B. Patent No.(s):

Additional numbers attached? No

5. Name and address of party to whom correspondence concerning document should be mailed:

Peter G. Carroll  
MEDLEN & CARROLL, LLP  
101 Howard Street, Suite 350  
San Francisco, California 94105

6. Total number of applications and patents involved: 1

7. Total fee(s):

Check(s) in the amount of \$165 enclosed (\$65 surcharge, \$40 recordation, \$60 extension of time fee).

8. Deposit Account Authorization:

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.

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9. Statement and Signature:

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Date: October 11, 2005

Signature:

Name: Peter G. Carroll

Reg. No.: 32, 837

Total number of pages including cover sheet, attachments, and document: 3

10/14/2005 HLE333 00000076 11129861

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